

# TEMPORARY

NO. 67666T

## APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUN 12 2001

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed FEB 02 2001 under 67182

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The applicant **See Attachment A.**, hereby make application for permission to change the **place and manner of use** of water heretofore appropriated under **United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 2; in the Federal District Court of Nevada.**

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1. The source of water is **Truckee River**
2. The amount of water to be changed **15,344.55 acre-feet (2,745 acres @ 5.59 acre-feet/acre)**
3. The water to be used for **Wildlife, including instream flows for fish (cui-ui and Lahontan cutthroat trout)**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **There will be no diversion, the water is to remain in the Truckee River from Derby Dam to Pyramid Lake.**
6. The existing permitted point of diversion is located within **As decreed, N $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 19, T20N, R23E, M.D.B.&M.**
7. Proposed place of use **Truckee River downstream of Derby Dam to the Pyramid Lake inlet as shown on the map accompanying Application No. 67182.**
8. Existing place of use **As decreed on Pyramid Lake Indian Reservation beach lands.**
9. Use will be from **As decreed to As decreed** of each year.
10. Use was permitted from **As decreed to As decreed** of each year.
11. Description of proposed works **No new diversion or storage works will be constructed.**
12. Estimated cost of works **N/A**
13. Estimated time required to construct works **N/A**
14. Estimated time required to complete the application of water to beneficial use **As soon as temporary application is approved**

15. Remarks: See Attachment B.

By Wayne Nordwall Acting  
s/Barry W. Welch  
400 N 5th Street, 14th Floor  
Phoenix, Arizona 85001

By John Jackson  
s/John W. Jackson  
P.O. Box 256  
Nixon, Nevada 89424

Compared nsr/dl ag/ cmf

Protested 6/21/01 by City of Fallon; 10/18/01 by City of Fallon;  
10/19/01 by Churchill County; Fallon Shoshone Tribe; 10/22/01 by  
TCID: w/d 2/27/2002  
Pro. overruled 12/6/2002, see Ruling #5185

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the place of use and manner of the waters of the Truckee River as heretofore granted under Claim No. 2, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued subject to the continuing jurisdiction and regulation by the Orr Ditch Decree Court and the Federal Water Master.

This temporary permit expires **October 31, 2004** and shall be exercised as described in either proposed alternative 3 or 4 as set forth in the Environmental Assessment by the U.S. Department of the Interior dated June 2002, that is the water will be taken in equal amounts over a certain number of months.

The amount of water described under alternatives 3 and 4 will be delivered at a continuous diversion rate for the percentages described in each month set forth in each alternative.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 48 cubic feet per second, but not to exceed 11,254.5 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

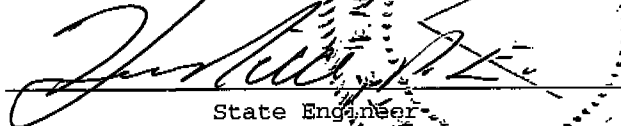
Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

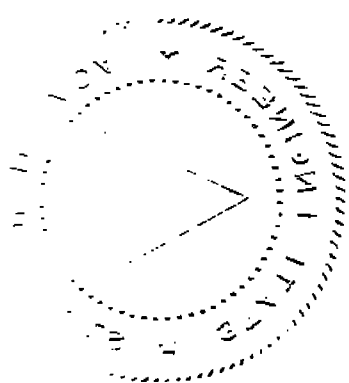
IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,  
this 6th day of May A.D. 2004

  
State Engineer

TEMPORARY

**EXPIRED**  
**DATE** OCT 31 2004 **OR**



**Attachment A**

The applicants are:

- 1) **The United States as trustee for the Pyramid Lake Paiute Tribe of Indians, acting through the Bureau of Indian Affairs.**

Wayne Nordwall, Western Regional Director  
Bureau of Indian Affairs  
400 N. 5<sup>th</sup> Street, 14<sup>th</sup> Floor  
Phoenix, Arizona 85001 Phone: (602) 379-6600

and

- 2) **The Pyramid Lake Paiute Tribe of Indians.**

John Jackson, Vice-Chairman  
Pyramid Lake Paiute Tribe of Indians  
P.O. Box 256  
Nixon, Nevada 89424 Phone: (775) 574-1050



**Attachment B**

This application is filed pursuant to the attached Order dated February 28, 1984, in the case of United States v. Orr Water Ditch Co., Equity No. A-3, in the United States District Court for the District of Nevada and in the interest of comity among the United States, the Pyramid Lake Paiute Tribe of Indians and the State of Nevada. The applicants specifically reserve all of their rights, interests and authorities pertaining to this matter including, without limitation, all rights and authorities asserted in arguments previously made to the Orr Ditch Court in connection with the above referenced February 28, 1984 Order and the rights to contest the jurisdiction of the Nevada State Engineer and to seek de novo review in the Orr Ditch Court of any orders, decisions, rulings or other actions of the Nevada State Engineer.

The water to be transferred will be used during the irrigation season, through November 15, subject to the condition that no more than 25 percent of the total water right amount will be used in any month. In addition, no more than 68.6 cfs will be used at any time.

The right sought under this temporary change application voluntarily will be exercised in conjunction with other Tribal water rights used for wildlife purposes so as to avoid limitations on diversions of Truckee Meadows water rights pursuant to Article VII (B) of the Truckee River Agreement.

